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EXAMINER

AMINZAY, SHAIMA Q

| ART UNIT | PAPER NUMBER |
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2684

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,422

Applicant(s)

STRASSER ET AL.

Examiner

Shaima Q. Aminzay

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The following office action is in response to Amendment B, filed July 21, 2004. Claims 1-7 original, claim 8 previously amended, claims 9-15 original, claims 16-25 canceled, claims 26-30 original. Claims 1-15 and 26-30 are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action

(a) Patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

2. Claims 1-4, 9-13, 15, 26, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selig et al. U. S. Patent Number 6492978 in view of Schadow U. S. Patent 3867596.

Regarding claims 1 and 9, Selig discloses processor-based system comprising (see for example, Figures 1, and column 3, lines 8-11, lines 22-26, the processor based system (10)): a display (see for example, Figures 1-3, and column 3, lines 22-26, see Figure 2, display 18); a user operable element

positioned over the display to enable viewing of the display through the element (see for example, Figures 1-3, column 4, lines 35-50, the user element (14 and 24s) positioned over the display enable viewing through the display), and a switch operatively coupled to the operable element (see for example, column 4, lines 51-65, column 8, lines 63-67 continued to column 9, lines 1-8, the switch operatively coupled to the element)

Selig does not specifically disclose the operable element having a non-monotonic response. However, Selig discloses the individual keys (24) and providing tactile feedback to the user (see for example, Figures 1-4, column 4, lines 35-50, column 5, lines 7-17 and the keys are made of elastic material that can be displaced by having force applied to it).

Schadow teaches a user operable element having non-monotonic characteristics (see for example, column 1, lines 23-35; force exerted on the button verses the travel of the button is not linearly proportion (non-linearity makes it non-monotonic)).

It would have been obvious to one of ordinary skill in the art at the time invention was made to include Schadow's rubber-like push button switch with Selig's processor-based system (Figure 1-3) to "provided tactical feedback in a touchscreen for matching the benefits of a mechanical keyboard" (Selig, column 2, lines 22-24), and to provide improved guidance of the push button switch "that the switched-on position becomes visible owing to an albeit minimum increase in the depth of the push button position, so that the push button only has to move a

small distance on actuation" (Schadow, column 1, lines 56-58, column 2, lines 57-64).

Regarding claim 11, Selig discloses processor-based system comprising (see for example, Figures 1, and column 3, lines 8-11, lines 22-26, the processor based system (10)): a touch screen display (see for example, Figures 1-3, and column 3, lines 12-26, the touch screen display); a user operable element positioned over the display to enable viewing of the display through the element (see for example, Figures 1-3, column 4, lines 35-50, the user element (14 and 24s) positioned over the display enable viewing through the display), and a contactor operatively coupled to the operable element such that actuation of said element causes contact with the touch screen display (see for example, column 4, lines 43-46, column 5, lines 5-6, actuating element causes contact with the touch screen display).

Selig does not specifically disclose the operable element having a non-monotonic response to user actuation. However, Selig discloses the individual keys (24) and providing tactile feedback to the user actuation (see for example, Figures 1-4, column 4, lines 35-50, column 5, lines 7-17, the keys are made of elastic material that can be displaced by having force applied to it).

Schadow teaches a user operable element having non-monotonic characteristics (see for example, column 1, lines 23-35; force exerted on the button verses the travel of the button in not linearly proportion (non-linearity

makes it non-monotonic)).

It would have been obvious to one of ordinary skill in the art at the time invention was made to include Schadow's rubber-like push button switch with Selig's processor-based system (Figure 1-3) to "provided tactical feedback in a touchscreen for matching the benefits of a mechanical keyboard" (Selig, column 2, lines 22-24), and to provide improved guidance of the push button switch "that the switched-on position becomes visible owing to an albeit minimum increase in the depth of the push button position, so that the push button only has to move a small distance on actuation" (Schadow, column 1, lines 56-58, column 2, lines 57-64).

Regarding claim 13, Selig discloses processor-based system comprising (see for example, Figures 1, and column 3, lines 8-11, lines 22-26, the processor based system (10)): a display (see for example, Figures 1-3, and column 3, lines 22-26, see Figure 2, display 18), and a user-operable element positioned over the display to enable viewing of the display through the element (see for example, Figures 1-3, column 4, lines 35-50, the user element (14 and 24s) positioned over the display enable viewing through the display), and a switch operatively coupled to said operable element (see for example, column 4, lines 51-65, column 8, lines 63-67 continued to column 9, lines 1-8, the switch operatively coupled to the element), and a resilient element connected to said operable element such that operation of said operable element is resisted with a

force (see for example, column 4, lines 13-19, column 4, lines 1-5, and lines 37-39), and the user-operable element is a push button (Column 4, lines 21-24).

Selig does not specifically disclose the operable element is resisted with a non-monotonic force. However, Selig discloses the individual keys (24) are resiliently depressed downward with suitable pressure force (F) for in turn actuating the touchscreen (see for example, Figures 1-4, column 4, lines 54-50, and the keys are made of elastic material that can be displaced by having force applied to it).

Schadow teaches a user operable element having non-monotonic characteristics (see for example, column 1, lines 23-35; force excreted on the button verses the travel of the button in not linearly proportion (non-linearity makes it non-monotonic)).

It would have been obvious to one of ordinary skill in the art at the time invention was made to include Schadow's rubber-like push button switch with Selig's processor-based system (Figure 1-3) to "provided tactical feedback in a touchscreen for matching the benefits of a mechanical keyboard" (Selig, column 2, lines 22-24), and to provide improved guidance of the push button switch "that the switched-on position becomes visible owing to an albeit minimum increase in the depth of the push button position, so that the push button only has to move a small distance on actuation" (Schadow, column 1, lines 56-58, column 2, lines 57-64).

Regarding claim 26, Selig discloses a method comprising: providing a user-operable element for installation over a display (see for example, Figure 4, column 3, lines 17-19, column 6, lines 11-19, the user operable element and installed over a display); providing a transparent part on the user-operable element that allows a portion of the display to be viewed through said element (see for example, Figures 1-4, column 1, lines 35-36, 59-64, column 3, lines 40-43, the transparent part of the user-operable element and viewable display portion).

Selig does not specifically disclose creating a non-monotonic response to actuation of said element.. However, Selig discloses the individual keys (24) and providing tactile feedback to the user actuation (see for example, Figures 1-4, column 4, lines 35-50, column 5, lines 7-17, the keys are made of elastic material that can be displaced by having force applied to it).

Schadow teaches a user operable element creating non-monotonic characteristics (see for example, column 1, lines 23-35; force excreted on the button verses the travel of the button in not linearly proportion (non-linearity makes it non-monotonic)).

It would have been obvious to one of ordinary skill in the art at the time invention was made to include Schadow's rubber-like push button switch with Selig's processor-based system (Figure 1-3) to "provided tactical feedback in a touchscreen for matching the benefits of a mechanical keyboard" (Selig, column 2, lines 22-24), and to provide improved guidance of the push button switch "that

the switched-on position becomes visible owing to an albeit minimum increase in the depth of the push button position, so that the push button only has to move a small distance on actuation" (Schadow, column 1, lines 56-58, column 2, lines 57-64).

Regarding claim 2, Selig in view of Schadow teach all the claimed limitation as recited in claim 1, and further, Selig teaches wherein the display is a cathode ray tube (see for example, Figure 1, column 3, lines 22-26, display is a CRT).

Regarding claim 3, Selig in view of Schadow teach all the claimed limitation as recited in claim 1, and further, Selig teaches wherein the display is a liquid crystal display (see for example, Figure 1, column 3, lines 22-26, display is a LCD).

Regarding claims 4, 10, 12 and 29, Selig in view of Schadow teach all the claimed limitation as recited in claims 1, 9, and further, Selig teaches wherein the user-operable element is a push button (see for example, column 4, lines 21-24, and lines 43-46, the user depressing the push button user-operable element).

Regarding claim 15, Selig in view of Schadow teach all the claimed limitation as recited in claim 13, and further, Selig teaches wherein the resilient element is a coil spring which breaks out of column in response to compressive force (see for example, column 8, lines 47-50. the element (key) and spring response to

pressured force).

Regarding claim 30, Selig in view of Schadow teach all the claimed limitation as recited in claim 26, and further, Selig teaches user-operable element for installation over a display includes providing an element for installation over a touch screen display (see for example, Figure 4, column 3, lines 17-19, column 6, lines 11-19, the user operable element and installed over a touchscreen);

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Selig et al. U. S. Patent Number 6492978 in view of Schadow U. S. Patent 3867596, and further, in view of Chen et al. U. S. Publication 20020183862.

Regarding claim 5, Selig in view of Schadow teach all the claimed limitation as recited in claim 1. However, Selig in view of Schadow does not specifically disclose wherein the user-operable element is [a rocker].

In a related art dealing with processor-based system (see for example, Figure 1, paragraph [0001], lines 1-2, paragraph [0004], lines 3-5), Chen discloses [the user-operable element is] a rocker (seer for example, paragraph [0014], lines 2-5, the rocker switch 26).

It would have been obvious to one of ordinary skill in the art at the time invention was made to include Chen's processor-based-display rocker switch (see for example, [0011], lines 1-10) with Schadow's rubber-like push button

switch and Selig's processor-based system with display and keyscreen (Figure 1, and 2, element 16) to provide a processor-based display system with a rocker switch for "better ways to control the display of information on processor-based system" (Chen, paragraph [0004], lines 3-5).

4. Claim 6 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selig et al. U. S. Patent Number 6492978 in view of Schadow U. S. Patent 3867596, and further, in view of Graham et al. U. S. Patent 6351260.

Regarding claims 6 and 27, Selig in view of Schadow teach all the claimed limitation as recited in claims 1 and 26. However, Selig in view of Schadow does not specifically disclose [a lens] positioned over the display to enable viewing of the display through the lens.

In a related art dealing with processor-based system (see for example, Figures 2-3, column 1, lines 9-11), Graham teaches a lens positioned over [the display to enable viewing of the display through the lens a lens positioned over the display] (see for example column 2, lines 27-28, and 64-66, column 4, lines 39-40; the computer system element or embodiment may include lenses, also it is a common knowledge that positioning a lens over the display, the user will be able to view the display through the lens (it is used for clarity and magnification)).

It would have been obvious to one of ordinary skill in the art at the time invention was made to include Graham's optical touch panel with Schadow's

switch having non-monotonic characteristics (see for example, column 1, lines 23-35), and with Selig's processor-based system with display and keyscreen (Figure 1, and 2, element 16) to provide a processor-based system including lens section with the same operation through enhanced display such "the benefit of using lenses is that the light is collimated such that the light beams can traverse larger screen areas and the fabrication of the waveguide sections is simplified" (Graham, column 7, lines 1-6) and to provide a quality product with significantly lower cost than conventional designs (Graham, column 2, lines 64-66).

5. Claims 7-8, 20-23, 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selig et al. U. S. Patent Number 6492978 in view of Schadow U. S. Patent 3867596, and further, in view of Carroll et al. U. S. Patent 6057966.

Regarding claims 7-8, 25 and 28, Selig in view of Schadow and further in view of Carroll teaches all the claimed limitation as recited in claims 1, 20, and 26. However, Selig in view of Schadow does not specifically disclose [a light pipe] positioned over the display to enable [viewing of the display through the light pipe], and wherein the [light pipe comprises a fiber optic bundle].

In a related art dealing with processor-based system (see for example, column 1, lines 26-29), Carroll discloses a light pipe [positioned over the display to enable] viewing of the display through the light pipe (see for example, column 1, lines 26-29, column 2, lines 1-6, column 14, lines 35-41, and lines 44-50,

viewing the display through the light pipe), and wherein the light pipe comprises a fiber optic bundle (see for example, column 14, lines 35-41, light pipe and fiber optic bundles).

It would have been obvious to one of ordinary skill in the art at the time invention was made to include Carroll's computer-based-system "light pipe" with Schadow's switch having non-monotonic characteristics (see for example, column 1, lines 23-35), and with Selig's processor-based system with display and keyscreen (Figure 1, and 2, element 16) to provide a processor-based display system with light pipe that draw significantly lower power and generates lower thermal output (Carroll, column 1, lines 50-57), and to provide system with "significantly reduced power consumption and thermal output, and significantly increased durability and reliability", and "more aesthetically pleasing in appearance" (Carroll, column 2, lines 6-9).

Regarding claim 20, Selig discloses processor-based system comprising (see for example, Figures 1, and column 3, lines 8-11, lines 22-26, the processor based system (10)): a display (see for example, Figures 1-3, and column 3, lines 22-26, see Figure 2, display 18), and a user-operable element [having a light pipe] positioned over said display to enable viewing of the display [through the light pipe] (see for example, Figures 1-3, column 4, lines 35-50, the user element (14 and 24s) positioned over the display enable viewing through the display), and a switch operatively coupled to the operable element (see for example, column 4,

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lines 51-65, column 8, lines 63-67 continued to column 9, lines 1-8, the switch operatively coupled to the element).

However, Selig in view of Schadow does not specifically disclose [a user-operable element] having a light pipe [positioned over said display to enable] viewing of the display through the light pipe.

In a related art dealing with processor-based system (see for example, column 3, lines 40-54), Carroll teaches a user-operable element having a light pipe positioned over said display to enable viewing of the display through the light pipe (see for example, column 1, lines 26-29, lines 65-67, and column 2, lines 1-4, column 14, lines 35-41, and 44-49).

It would have been obvious to one of ordinary skill in the art at the time invention was made to combine Carroll's computer-based system with display viewable through the light pipe (column 3, lines 40-54) with Selig's processor-based system with display and keyscreen (Figure 1, and 2, element 16) to provide a processor-based system display system with light pipe that draw significantly lower power and generates lower thermal output (Carroll, column 1, lines 50-57).

Regarding claim 21, Selig in view of Schadow and further in view of Carroll teach all the claimed limitation as recited in claim 20, and further, Selig teaches wherein the display is a cathode ray tube (see for example, Figure 1, column 3, lines 22-26, display is a CRT).

Regarding claim 22, Selig in view of Schadow and further in view of Carroll teach all the claimed limitation as recited in claim 20, and further, Selig teaches wherein the display is a liquid crystal display (see for example, Figure 1, column 3, lines 22-26, display is a LCD).

Regarding claim 23, Selig in view of Schadow and further in view of Carroll teach all the claimed limitation as recited in claim 20, and further, Selig teaches wherein the user-operable element is a push button (see for example, column 4, lines 21-24, and lines 43-46, the user depressing the push button user-operable element).

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Selig et al. U. S. Patent Number 6492978 in view of Schadow U. S. Patent 3867596, and in view of Carroll et al. U. S. Patent 6057966, and further, in view of Chen et al. U. S. Publication 20020183862.

Regarding claim 24, Selig in view of Schadow and in view of Carroll teach all the claimed limitation as recited in claim 20. However, Selig in view of Schadow and in view of Carroll do not specifically disclose wherein the user-operable element is [a rocker].

In a related art dealing with processor-based system (see for example, Figure

1, paragraph [0001], lines 1-2, paragraph [0004], lines 3-5, Chen discloses [the user-operable element is] a rocker (see for example, paragraph [0014], lines 2-5, the rocker switch 26).

It would have been obvious to one of ordinary skill in the art at the time invention was made to include Chen's processor-based-display rocker switch (see for example, [0011], lines 1-10) with Schadow's rubber-like push button switch and Selig's processor-based system with display and keyscreen (Figure 1, and 2, element 16) to provide a processor-based display system with a rocker switch for "better ways to control the display of information on processor-based system" (Chen, paragraph [0004], lines 3-5).

7. Claim 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selig et al. U. S. Patent Number 6492978 in view of Schadow U. S. Patent 3867596, and further, in view of Armstrong U. S. Patent Number 6504527 B1.

Regarding claim 14, Selig in view of Schadow teach all the claimed limitation as recited in claim 13. However, Selig in view of Schadow does not specifically disclose wherein the resilient element is a rubber dome.

In a related art dealing with processor-based system (see for example, column 3, lines 40-54), Armstrong discloses the resilient element is a rubber dome (see for example, column 4, lines 7-11, column 5, lines 8-9, and Abstract, lines 6-9).

It would have been obvious to one of ordinary skill in the art at the time invention was made to combine Schadow's rubber-like push button switch with Selig's processor-based keyscreen and include Armstrong's resilient dome caps to provide a user operable device having a depressible surface for "creating a varying value according to varying depression applied by a finger of a human user to a depressible surface of the sensor" (Armstrong, Abstract, lines 3-5), and to provide control manipulation on the display at the time the user is pressing the depressible surface (Armstrong, column 1, lines 26-35).

Response to Arguments

Note: This office action has been restructured for clarity. The same references have been used against the same limitations in the claims, therefor, this action is made final.

8. Applicant's arguments filed July 21, 2004 have been fully considered but they are not persuasive.
9. The applicant (middle of page 5) argued that the cited prior art [Schadow U. S. Patent 3867596] does not teach "anything related to a non-monotonic response, much less a non-linear response, and, in point of fact, the cited material is basically indecipherable" and further, the applicant describes "a non-monotonic force is a function where the dependent variable (force) does not always increase

or decrease as the value of the independent variable (displacement) increases or decreases". Examiner respectfully disagrees. As discussed in the rejected above, Schadow discloses rubber-like abutments for the push button switch that involves force and displacement resulting in a non-linear response (column 1, lines 23-25). Further, Selig (Selig et al. U. S. Patent Number 6492978) discloses depressing the individual keys (24) and providing tactile feedback to the user [where is defined in the specification "tactile feedback"] (see for example, Figures 1-4, column 4, lines 35-50, column 5, lines 7-17). Furthermore, Selig shows that the keys (24) are mad of elastic material that can be displaced by having force applied to it. Therefor examiner believes that if a force is applied away from the center of the key (24) (for example, to the right or to the left of the center), then the applied force, even-though, it maybe stronger then the force applied to the center; the displacement of the key (24) will be smaller than the displacement of the key if the force is applied to the center. Therefor, Examiner believes the claim is broad enough to have Selig's key (Figure 4) fairly reads on the claimed limitation (non-monotonic), because it leads to the same function described in the Applicant's specification for non-monotonic.

And further, the transparent feature clearly shown in Selig, there is no need to combine the Kono U. S. Patent 6,229,694. The rejection is maintained but, the Examiner rearranged the ground of rejection, because the dependency of the claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

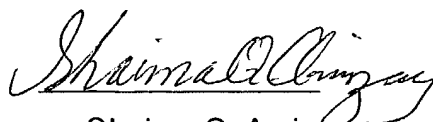
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action

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Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 703-305-8723. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay

(Examiner)


NICK CORSARO
PRIMARY EXAMINER_____
Nay Maung

(SPE)

Art Unit 2684

December 17, 2004